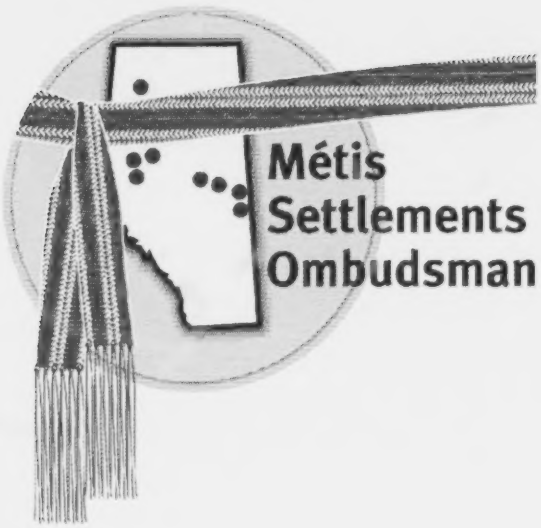

Annual Report

For the period April 1, 2005 to March 31, 2006

April 2006

The Honourable Pearl Calahasen
Minister of Aboriginal Affairs and Northern Development
403 Legislature Building
10800 - 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Honourable Minister:

I am honoured and pleased to present to you the third Annual Report of the activities of the Office of the Métis Settlements Ombudsman.

This report is submitted to you pursuant to *Schedule 1* of the *Agreement* effective April 1, 2003; it covers the activities of the Office of the Métis Settlements Ombudsman for the period April 1, 2005, to March 31, 2006.

Original Signed by:
Harley Johnson
Alberta Métis Settlements Ombudsman

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Message from Harley Johnson, Alberta Métis Settlements Ombudsman

The Métis Settlements Ombudsman's Annual Report has many functions:

- informing stakeholders and other interested parties of the activities of the Office
- identifying areas of concern in governance structures under review
- outlining the budget: how expenditures were made and on what activity
- allowing people to understand how the review/investigative process works
- giving samples of the specific reviews/investigations conducted
- openly demonstrating how the Office operates.

In the past three years, there have been recurrent issues of significance brought to the attention of this Office.

The first of these, the professional conduct of Councils, is the subject of twenty-nine percent of the total jurisdictional complaints received. The reviews of these have identified a number of things. Most Councils and Councillors do the best job they can. Many, however, do not understand the significant difference between what is governance and what is administration. Mr. George Cuff, a noted expert in this field, outlines **GOVERNANCE** as *"the development of policy objectives for the benefit of* ***all*** *Settlement members"* and **ADMINISTRATION** as *"[those] hired to get the job done."* Many of the complaints this Office has supported occur when Councillors cross the line between the two. As individuals, they try to fix the problem brought to them by **a** Settlement member, regardless of whether there is policy in place or not, and they do so by telling a member of the Administration what to do. When this occurs, the fairness to **all** Settlement members is undermined. The Councillor, through Council, **needs to** ask the Administrator for a report outlining the policy in place in order to determine if the policy was followed. The objective is to ensure that **all** Settlement members are treated in the same manner; preference should not be given to those who approach a Councillor because they are friends or relatives.

The second recurring issue concerns housing and housing renovations. While the complaints vary from Settlement to Settlement, there is a widespread belief that Councillors and their families get a disproportionate number of houses and/or monies for renovations; there appears to be some validity to these concerns. However, while it is relatively easy to identify where someone has acted

in a direct conflict of interest, it is much more difficult to establish when the problem is perceptual or systemic. My Office will be committing more resources to looking at this issue in the coming year.

A third issue has re-surfaced and that is of people in authority (elected or hired) using Settlement monies as if the Settlement was a bank. To do so is a breach of public trust. As Mr. Timothy Christian, Q.C., stated in a previous investigation, *"Settlement monies are not the private reserve of Councillors or quorum leaders. Councillors are trustees of the Settlement funds and are accountable to the Settlement members for the proper management of the public money."* Again, most Councillors are doing the best job possible given the circumstances. It only takes a few who do not follow an ethical standard to cause a public distrust of a governance system.

And finally, as I commented in last year's Annual Report, there is a need for Settlements to have better bookkeeping and/or filing systems. My staff has been working with two communities where significant improvements have been made. While these improvements are an immediate fix, constant checking and vigilance by Settlement Administrations are needed to make sure that filing and data entry follow proper standards. Indeed, many of the complaints we receive have a financial/bookkeeping component. Failure to follow proper standards will result in a continued need for forensic audits – a very expensive and time-consuming process.

The Finance Department is key to the financial well-being of the overall operations of Settlements and their entities. Both Councils and Administration have a duty to ensure that *qualified* staff are in place to deal with the enormous amount of money and with the fiscal responsibility of this Department. In a number of cases, a significant turnover of staff in all administrative areas on the Settlements has resulted in a lack of *corporate memory*, as well as the need to constantly train new staff. This has had a significant negative impact on Settlement members. An even bigger issue is that most Settlements are using an outdated financial management system.

The Office of the Métis Settlements Ombudsman has now been in operation for three complete years. It is an ongoing practice within our Office to review how we do our jobs, if our administrative practices are working, and what areas require change to operate more efficiently and effectively. Each year, when reviewing our statistics, we recognize the need to better reflect the work we do. This year, the Office has identified a need to capture not only the complaints but also the more positive effects of the Office, such as calls from Councillors and Settlement staff for information and advice *before* they make decisions. Indications are that we are moving from being *reactive* to more of a *proactive* resource, not only for Settlement members, but for Councils and staff as well.

I am also impressed with the number of people who have taken the time to thank members of this Office for their part in resolving fairness issues. In a couple of cases, even though the findings identified no errors, notes or telephone calls were received thanking us for being here. One individual indicated that, when the Office first started up, there were serious reservations about its

role. It was thought to be just another government entity with no power to do anything. This individual commented that people are now taking notice of the Office as *"it is virtually the only avenue people are able to take to get any kind of justice done."* Another Settlement member was satisfied that this Office was really trying to make a difference.

In all fairness though, we have also received comments from a few who have expressed the opinion that the Office has no real power – that we exist only as another shoulder to cry on. In addition, one person complained to me that they had not heard from my advisor/investigator on a complaint. I reviewed the file and found the complaint was legitimate; the issue was corrected immediately.

I would like to take the opportunity to thank the Honourable Pearl Calahasen, Minister of Aboriginal Affairs and Northern Development, for her personal support of the concept of ombudsmanship and for her desire to make a positive difference for Settlement members.

I have the very good fortune to have committed co-workers who are indeed interested in making a positive difference, and I am deeply thankful for their continuing efforts to do so.

To all Settlement members, I continue to pledge that I will serve you as Métis Settlements Ombudsman to the best of my ability and to assist my replacement in any way that I can.

Ay-ay/ kinanaskom'tin awaw

Original Signed by:
Harley Johnson

Introduction to Staff

The Office of the Métis Settlements Ombudsman (MSO) has been open since April of 2003. Our goal is to provide exceptional service to the members, Councils and staff of the eight Alberta Métis Settlements.

Staff members as at March 31, 2006:

Back (left to right): **Chuck McBurney,** *Advisor*; **Harley Johnson,** *Métis Settlements Ombudsman*; **Gary Jones,** *Senior Advisor*

Front (left to right): **Terri Dorfman,** *Office Administrator*; **Jackie Bellerose,** *Junior Advisor*

Jackie Bellerose joined the Office of the MSO in October of 2003, completing a three-month mentoring position. She returned to the University of Alberta in January 2004. Because of her extensive knowledge of the existing files, she returned in April, as one of two Summer Students, to assist the MSO Office in the completion of those files. Jackie's contract was extended to December, and she worked part-time while attending the University of Alberta. From January 2005 to March 2006, she worked full-time as a Junior Advisor.

Jackie's input has been invaluable, as seen by the extensions to her original contract. Her contribution to this Office and the insight into Settlement culture has been immeasurable.

Mentoring Program

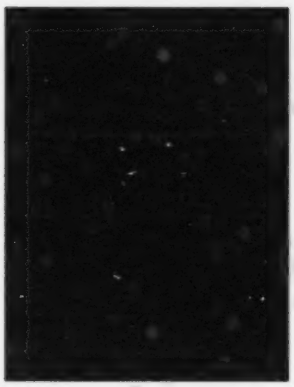
Response to the MSO Mentoring Program continues to be positive. The purpose of this Program is to educate Settlement members on the principles of administrative fairness and conflict of interest, as well as to provide a working understanding of the review/investigation process. The MSO Office benefits from the experience and values the input and the shared knowledge from the Settlement perspective. The Mentoring student can, in turn, share information about the Office of the MSO with other Settlement members.

Mentoring Positions 2005/06:

Danielle Cardinal
(Elizabeth)

-

Summer Student
May – September 2005
&
Junior Advisor Trainee
February & March 2006



Cheryl Kosy
(Gift Lake)

-

Work Experience Practicum Student
November 2005 – March 2006

Courtney Heron
(Buffalo Lake)

-

Mentoring Student
November 2005 – January 2006

Staff Training, Conferences and Presentations

Staff took part in the following meetings and presentations in 2005/06:

Training and Conferences:

- "Computer Forensics – The Preservation of Electronic Evidence" (PricewaterhouseCoopers)
- "How Economic Crime Affects You" (PricewaterhouseCoopers)
- Forum of Canadian Ombudsman – Advanced Investigation Course
- 2005 United States Ombudsman Association Annual Conference

Presentations:

- Métis Settlements Justice Workers (to build upon and strengthen the Métis Settlements Justice Program)
- Numerous meetings with Councils, staff and public

Invitations to Participate in Various Meetings and Social Functions:

- Early Intervention Program "Get to Know You Night" – Paddle Prairie
- Youth Conference – Gift Lake
- Elder's Conference – Edmonton
- Department of Foreign Affairs and International Trade Canada – meeting at Métis Settlements General Council (to introduce various facets of the Métis Settlements)
- Potta Trails Days – Fishing Lake
- MLA Dinner
- Sponsor of the Métis Settlements General Council Annual Golf Tournament (hole-in-one prize)
- Don Getty's Recognition Dinner
- Métis Settlements General Council Annual Christmas Party

** Various public organizations have expressed interest in this Office. Questions have been asked of the applicability and value of our process to their specific organizations and situations. This implies that other organizations are facing similar issues to those being identified within the Alberta Métis Settlements and are searching for methods to deal with them.*

The Office of the MSO was invited to participate in the Early Intervention Program "Get to Know You Night" held in Paddle Prairie in September 2005.

Harley Johnson, *Métis Settlements Ombudsman*, was available to speak with students, teachers and attendees about the role and function of the MSO Office.

The Office took part in the Youth Conference in Gift Lake, August 2005.

Summer Student *Danielle Cardinal* was on hand to speak to attendees about the MSO Office.

The MSO Office held a draw for a backpack and a $100.00 Educational Bursary Certificate.

Introduction

Concerns have been raised in the past about the management and leadership of Métis Settlements. A 1999 Métis Settlements Appeal Tribunal Task Force looked into this issue and recommended an ombudsman-like function be created for the Alberta Métis Settlements. This was later supported by a feasibility study. Most Métis Settlement members and elders supported this recommendation.

The Office of the Métis Settlements Ombudsman (MSO) was created in 2003 to provide an independent and impartial place to take complaints about Settlements' management or leadership. It also exists to identify unfair or unjust complaints made against the Councils and staff.

Alberta's Minister of Aboriginal Affairs and Northern Development appoints the MSO based on a recommendation of a selection committee. The Minister delegates the MSO to receive complaints and to appoint inspectors and investigators as needed. The individuals appointed by the MSO have the authority to conduct independent inspections or investigations, with the powers of a Commissioner, under the Alberta *Public Inquiries Act*.

Mission Statement

The mission of the Métis Settlements Ombudsman (MSO) is to promote the rights and responsibilities of Métis Settlement Councils, staff, entities and members, through inspection, investigations and recommendations.

Guiding Principles

The mission will be accomplished utilizing inspections and investigations involving the principles of administrative fairness and ethical leadership (conflict of interest) guidelines. (In order to better understand the principles of **Administrative Fairness** and **Conflict of Interest**, checklists have been developed – please refer to Appendix C and Appendix D.)

Objectives

By authority of a ministerial delegation, the Métis Settlements Ombudsman:

- ✓ will **assist** Settlement members and Councils to understand the concepts of administrative fairness and leadership issues.
- ✓ will **promote** appropriate standards for the delivery of Settlement services to the Settlement communities.
- ✓ will **accept** complaints from Settlement members who feel that an administrative error or injustice has occurred in their dealings with Métis Settlements Councils, staff, or a Council entity.
- ✓ will **accept** complaints from Settlement members who feel that a Métis Settlements Council, an individual Councillor, staff member, or an employee of a Council entity has been involved in a leadership conflict of interest.
- ✓ will **identify** unfair or unjust complaints against members of Métis Settlements Councils, Council staff, or an employee of a Council entity where there are frivolous complaints or rumoured allegations of impropriety.
- ✓ may **conduct** an investigation/inspection where a review of the complaint identifies sufficient evidence to indicate an administrative error or injustice may have occurred and/or a Council, Councillor, staff member or employee of a Council entity has acted in a real or perceived conflict of interest.
- ✓ may **inspect/investigate** any administrative fairness or leadership issue "on [the MSO's] own initiative." (*Métis Settlements Act)*
- ✓ will **communicate** the results of an inspection/investigation in any fashion the MSO deems to be appropriate, including recommendations to resolve a specific complaint or to improve a service delivery system.
- ✓ will **advocate** for any recommendation(s) made.

The Métis Settlements Ombudsman:

- ✓ cannot accept complaints about issues that occurred before March 31, 2002.
- ✓ may insist that all options available to a complainant be attempted before the MSO can become involved.
- ✓ is guided by the provisions of Section 171-175 of the *Métis Settlements Act.*

Complaint Process

Investigation and Resolution

It is the Métis Settlements Ombudsman's (MSO) job to hear complaints and concerns and to deal with them in the most appropriate way. When a complaint is received, the MSO will determine if there is enough evidence to start an investigation. If a review discovers that an error or irregularity was made, the MSO works informally with people to try to resolve the concern and to prevent the same error from occurring again.

Concerns that cannot be resolved through discussion or mediation are investigated. The results of investigations may be made public.

Making a Complaint

Anyone may make a complaint to the MSO. However, an individual who has a complaint must first try to resolve the matter him/herself. This includes going through any formal appeal processes that might exist with Métis Settlements. Anyone who remains dissatisfied after appeals are heard is welcome to bring a complaint to the MSO.

There is no fee for filing a complaint.

Complaint Criteria

For a complaint to be considered:

- The issue complained about must have occurred on or after March 31, 2002. Occasionally, an issue that occurred prior to March 31, 2002, may be reviewed if action (e.g. a decision) on a complaint was taken after March 31, 2002.
- The complaint should be in writing and include the name, address, telephone number and signature of the person making the complaint.
- The complaint must relate to the activities or business of an Alberta Métis Settlement Council, an individual Métis Settlement Councillor or staff.
- The complaint must involve alleged mismanagement, an unfair practice or a conflict of interest.
- The complaint must be based on facts or evidence.

Four basic steps have been developed for the process of looking at a complaint:

Further Inquiry: This is when a complaint has been received, but there is not enough information to proceed. MSO staff contact the person who submitted the complaint to clarify the issue(s) or to make sure the issue is within the jurisdiction of the MSO.

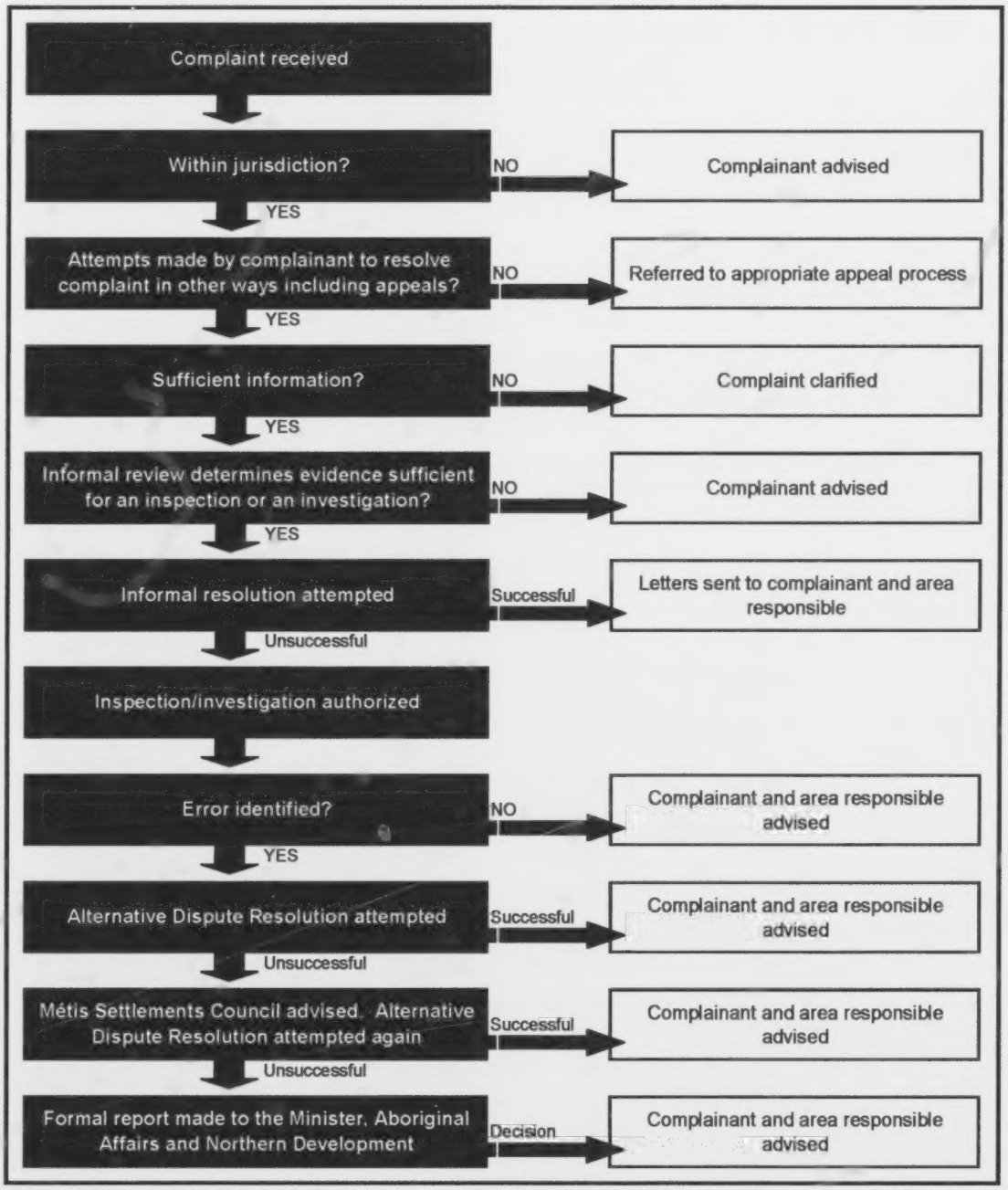
Review: Once the MSO is satisfied the issue is within jurisdiction and the complaint appears to have merit, a *review* is authorized. The advisor/investigator may then contact the Council, staff or entity to seek help in determining if there is evidence to suggest an error or inappropriate activity occurred. The advisor/investigator then submits a recommendation to the MSO based on the findings. That recommendation might be: to close the file, as there is a lack of evidence to support the complaint; to enter into a formal inspection or investigation; or to suggest any other action the advisor/investigator may feel is appropriate. Mediation techniques might be used during this stage.

Inspection/Investigation: If there is enough evidence to suggest an error occurred, or a Council, staff member or entity has acted inappropriately, and it cannot be resolved through mediation, a formal inspection or investigation is authorized under the *Métis Settlements Act* (MSA). Once appointed under the MSA, an inspector/investigator has the same power and authority as a Commissioner under the *Public Inquiries Act.* Normally, the person who completed the *review* would not be appointed as an inspector or investigator.

Report: If the inspection or investigation supports the findings of the *review*, mediation would be tried once again and a *report* would be submitted to the MSO with appropriate recommendations. Any person who might be negatively affected by a *report* is given the opportunity to present evidence or argument to the MSO as to why a recommendation(s) should not be accepted.

The process, while effective in most cases, is very time consuming. Options aimed at speeding up the process are being studied.

Complaint Process Flowchart



Statistical Information

The Office of the MSO keeps internal, confidential records on the complaints it receives. Statistics are kept to help identify trends and/or areas of concern and to provide direction and focus for the Office. The following chart shows the number of complaints received according to Settlement:

Settlement:	Number of Complaints *2005/06*	Number of Complaints *2004/05*	Number of Complaints *2003/04*
Buffalo Lake	116	46	30
East Prairie	54 *	30	44
Elizabeth	20	17	10
Fishing Lake	48	37	204 **
Gift Lake	25	25	24
Kikino	8	9	51
Paddle Prairie	49	48	33
Peavine	30	48 *	30
Other	4	2	11
TOTAL:	**354**	**242**	**437**

**These totals include a Forensic Review conducted by the MSO at the request of the Councils.*
***Includes numerous petitioners having multiple complaints.*

As expected, the initial number of complaints in 2003/04 was high. This was due to a build up of issues not dealt with on the Settlements prior to the start up of the MSO Office. Numerous issues have been dealt with and Settlement members now better understand the jurisdiction of the Office.

Files Brought Forward April 1, 2005	**142**	
Total Complaints Received 2005/06	**354**	
Total Complaints:		**496**
Resolution of Jurisdictional Complaints:	293	
- Administrative Fairness (222)		
- Conflict of Interest (71)		
Non-Jurisdictional Complaints	34	
Requests for Information	22	
Total Complaints Resolved:		**349**
Total Active Files as at April 1, 2006		**147**

The total complaints received in 2005/06 can be summarized as follows:

Complaints Received - April 1, 2005, to March 31, 2006

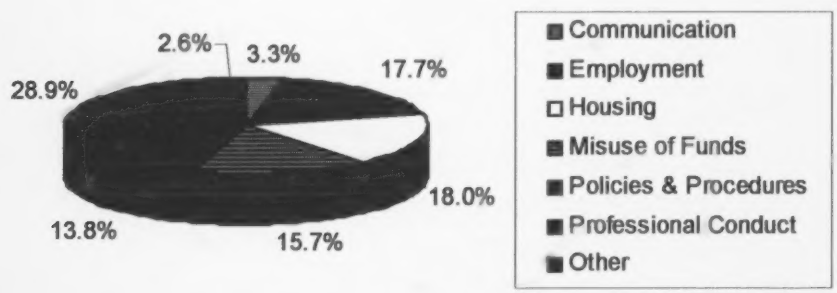
➢ Jurisdictional Complaints	**305**
➢ Non-Jurisdictional Complaints	**24**
➢ Requests for Information	**23**
➢ Formal Investigations (see "Case Summaries" page 17)	**2**
TOTAL	**354**

Complaints are broken down into **jurisdictional** (those which the MSO has the authority to look into) and **non-jurisdictional** (those outside MSO authority). Jurisdictional complaints fall within two categories: *Administrative Fairness* (how Council, staff, members and other entities deal with each other in their daily business) or *Conflict of Interest* (fairness, integrity and impartiality of decision making).

Jurisdictional Complaints

	Number of Complaints		
Complaint Categories:	**Administrative Fairness**	**Conflict of Interest**	**TOTAL**
Communication	**10**	**0**	**10**
Employment	**37**	**17**	**54**
Housing	**48**	**7**	**55**
Misuse of Funds	**22**	**26**	**48**
Policies & Procedures	**33**	**9**	**42**
Professional Conduct	**47**	**41**	**88**
Other	**5**	**3**	**8**
Subtotal	**202**	**103**	
TOTAL			**305**

Within the Conflict of Interest component, complaints regarding nepotism (favouritism shown to family members) make up 24% of the total.



Non-jurisdictional complaints, those outside of MSO authority, were grouped as follows:

Non-Jurisdictional Complaints	
	Number of Complaints
Categories:	
Métis Settlements Appeal Tribunal (referrals to)	**9**
Bill C-31 – Status under the *Indian Act* (Canada)	**4**
Other	**11**
TOTAL	**24**

A number of complaints received were termed "requests for information" (i.e. the caller wished to remain anonymous or asked for clarification on the role of the MSO):

Requests for Information	
TOTAL	**23**

** This year, when reviewing our statistics, we identified the need to capture the more positive effects of the Office. It was noted that some Councillors and Settlement staff are contacting the Office for information and advice* ***prior*** *to making decisions. Statistics, in future, will reflect such discussions.*

Formal investigations occur when mediation fails to resolve the matter:

Formal Investigations	
TOTAL	**2**

Every effort is made by this Office to avoid taking issues to formal investigation. The goal is to resolve issues through a cooperative review. However, if appropriate resolution cannot be achieved, a formal investigation may be authorized by the MSO.

The MSO makes every attempt to resolve concerns and bring about a positive conclusion for both the complainant and for the party being complained about. In some cases, the MSO was able to provide a referral or to act as a "mediator" between the two parties. Jurisdictional complaints were resolved as follows in 2005/06:

Resolution of Jurisdictional Complaints
Files Closed 2005/06

Disposition:	Administrative Fairness	Conflict of Interest
Oral complaint/no formal complaint submitted	61	12
Inquiry made/referral given/resolution facilitated	9	2
Reviewed: Insufficient evidence to warrant inspection and/or investigation	83	41
Reviewed: Sufficient evidence identified and resolved through:		
-mediation/arbitration	2	0
-complaint withdrawn	15	3
-informal resolution successful	52	12
Inspection/Investigation: insufficient evidence	0	1
Inspection/Investigation: recommendation made/resolved through:		
-mediation/arbitration	0	0
-complaint withdrawn	0	0
-recommendation accepted and implemented	0	0
Formal report to the Minister	0	0
Subtotal	222	71
TOTAL	293	

It is interesting to note that the jurisdictional "oral complaint/no formal complaint submitted" category continues to remain high. In order for a complaint to be reviewed, it must be in writing and signed by the individual.

A possible explanation for the high number of calls not progressing to formal complaint is Settlement member fear of repercussions. As well, a number of Settlement members have voiced concerns that Settlement members work in the MSO Office. Sometimes the MSO Office has been a sounding board for members or members have acted on the advice given, alleviating the matter.

Case Summaries

The following case summaries provide a sampling of the types of complaints the MSO receives:
Every attempt has been made to protect the privacy of the individuals involved.

FORMAL INVESTIGATION – Alleged Mismanagement of Funds

There were a number of allegations that a Settlement employee had mishandled funds, breached policies and personally benefited by paying self monies which were not entitled.

A number of people were interviewed including former members of Council, Administration (both past and present), the former employee, employees of the Financial Department and the Settlement auditors. Also hundreds of documents were examined such as payroll records, cancelled cheques, cheque requisitions, backup documents, and minutes of meetings, memos, letters and directives.

The Settlement employee's duties were many and varied. This individual had very little training and learned most of the skills required for the position during the term of employment. Additional responsibilities were added to an already over taxed workload even under protest. Remuneration was approved by Council although nothing was ever reflected in the meeting minutes or the personnel file to support the decisions. Qualified support staff and staff training were not provided and, consequently, errors occurred; however, there was no evidence to indicate there was any intent to defraud or misappropriate funds from the Settlement.

An independent audit by PricewaterhouseCoopers LLP also indicated there was no evidence supporting the concerns, and the MSO closed the file.

FORMAL INVESTIGATION – Repayment Agreements

A group of Settlement members submitted numerous complaints against a Settlement, one of which was mismanagement of funds. This complaint was general in nature and named a number of areas in which there was alleged financial mismanagement. MSO staff held a meeting with the Settlement Council regarding this complaint. Council agreed to a cooperative review by the MSO Office. It was mutually decided that the review would focus on accounts receivable as related to housing, loans, contracts and a number of Settlement entities; the results of the MSO review would be brought to Council's attention by way of recommendations for Council's decision.

Council later reneged on the agreement by passing a resolution restricting the review to the housing files only. As there was sufficient information to warrant an investigation, the MSO appointed PricewaterhouseCoopers (PwC) as an investigator under *Section 173* of the *Métis Settlements Act* to investigate "… Any outstanding debts to the (Settlement) and/or its Entities with or without a Contract, Promissory Note, or Repayment Agreement in place and whether or not the Contracts, Promissory Notes, or Repayment Agreements which are in place are being adhered to."

PwC made a number of recommendations which the MSO presented to Council. Council implemented an Action Plan to address the issues identified which the MSO Office is currently monitoring.

One of the recommendations made by PwC was for the Settlement to review the loans extended to current members of Council. Two Councillors were found to be in apparent breach of *Section 25(1)(m)* of the *Métis Settlements Act*. The MSO continues to monitor the implementation of the recommendations.

FORENSIC REVIEW – Bankruptcy Issue

The MSO authorized a forensic review of a former Settlement employee who had filed for bankruptcy.

On reviewing the Settlement's accounting records, the MSO *Review Team* discovered the employee had received a salary advance with a Repayment Agreement apparently signed and in good order. The last deduction taken against the advance left an outstanding balance. The next notation on the file was the following year indicating the employee had filed for bankruptcy. The monies outstanding to the Settlement were removed from the accounting records leaving a zero balance.

While still under bankruptcy, the employee received a salary advance and filled out the necessary Repayment Agreement. The concern was the debt owed by the employee to the Settlement was written off and the very next day the employee was allowed to receive an advance for more than was written off, while still under bankruptcy.

Upon completion of the review of this particular account, the MSO determined that, prior to the second salary advance being given, the *Official Receiver* should have been contacted for instructions regarding payment to the employee. The MSO advised Council there is a process to follow and certain steps *must* be taken to ensure that all rules and regulations regarding the *Bankruptcy Act* are followed when dealing with situations such as this.

FORENSIC REVIEW – Overview

A Settlement Council requested the MSO undertake a forensic audit of the Settlement and its entities. During the review, twenty-six areas of concern were identified including: oil and gas payments to non-Settlement members, possible criminal offences (forgery/fraud), missing equipment, accounting practices, advances and loans, mismanagement of Settlement entities and mismanagement of funds.

To date, eleven of these issues have been reviewed and closed. Numerous recommendations have been made to the Settlement and Administration including the need for *proper* accounting practices (*generally accepted accounting principles*); adherence to existing Settlement policies; the review of existing policies and future implications; adequate support documentation when contracts are allocated; clearly defined job descriptions; record maintenance and *proper* filing practices; confidentiality and adherence to *Freedom of Information and Protection of Privacy* legislation; clearly defined roles and responsibilities of Councillors; procedures for loaning/renting of Settlement-owned equipment; the implementation of procedures for collection of accounts receivable; and the viability of Settlement entities.

In addition, two specific areas reviewed identified possible criminal offences under *Section 122* (Breach of trust by public officer), *Section 366* (Forgery), and *Section 380* (Fraud) of the *Criminal Code of Canada.* By request of Council and in compliance with MSO policy, this information was turned over to the RCMP.

The MSO is awaiting replies to the recommendations made to the Settlement and is continuing to review the remaining areas of concern.

FORENSIC REVIEW – Possible Cash Missing from Water Accounts

A Settlement gave the MSO access to all financial documents available, and a forensic review was completed by the MSO. The forensic review revealed a number of accounting mistakes made over the years, a number of entries had been posted to incorrect accounts, and receipts for payments and bank records were missing. There was evidence of sloppy bookkeeping and ledger entries. It was suggested some personnel may not have been trained adequately and did not have the knowledge required to post a number of these entries to the proper categories.

The review further revealed the need for the Settlement to implement a *strict* process for the handling of all payments and to ensure employees follow the policies and procedures in place to govern their actions. The forensic review determined that all monies had been accounted for and none of these funds had been misappropriated.

The MSO made a number of recommendations to the Settlement concerning the proper operation and recording of these accounts. While no further review is necessary, the MSO is awaiting Council's response and an Action Plan which addresses the recommendations.

Denied Access to Renovation Funds

After applying for renovation monies for several years, a Settlement member was finally awarded money at a Special Council Meeting. Two months later, when trying to access the funding, the member was told the deadline had expired and the funding was no longer available.

MSO staff met with the Settlement Housing Coordinator and confirmed that a deadline was not mentioned in the notification letter for accessing the repair money. The Coordinator agreed that a deadline date should have been specified and made a commitment to correct the problem by ensuring the member would receive the full amount allotted.

The member was satisfied with the outcome, and the MSO closed the file. The MSO also recommended, in future, any deadlines be mentioned in notification letters.

Unfair Hiring Practices/Rate of Pay

A complainant alleged that, even though individuals obtained a journeyman ticket, the Settlement Administration would employ less qualified persons allowing the Settlement to pay less.

During a forensic investigation by this Office, the MSO Investigator determined in fact there had been *unfair* hiring practices. A number of recommendations were made to

Council, and a follow-up by this Office revealed the recommendations had been implemented. The complainant was pleased with the amended methods of hiring.

The complainant also felt the Settlement was not paying fair journeyman rates. The MSO indicated the complainant had the option of not offering services to the Settlement if they are not paying competitive wages. The complainant felt this issue would be resolved as well, and the MSO closed the file.

More than one complaint was received regarding *unfair hiring practices* on this Settlement; however, all of the complainants concede that Council and Administration are now making every attempt at fairness.

Polluted Water

A complainant alleged administrative unfairness when forced to live without water for a number of months. The complainant's cistern tank was damaged allowing dirt to pollute the water supply. A polluted dugout became the main source of water. The complainant made numerous attempts to have the Settlement replace the cistern, resulting in a complaint to the MSO.

After a number of meetings and conversations between the MSO Advisor and Administration, Council passed a motion to authorize the purchase of a new tank. Although there were delays, the new cistern was installed to the complainant's satisfaction, and the MSO file was closed.

Failure to Compensate Renters

A power surge caused a small external fire damaging electrical appliances within the complainant's rental home. When the complainant requested financial compensation for the damage, the Settlement refused to pay. The Settlement initially tried to place the burden of loss on the renter or the renter's insurance. The complainant brought the matter to the attention of the MSO.

The MSO Advisor consulted ATCO as part of the review. The review revealed that the Settlement is responsible for the monitoring of power conductors on the Settlement and for contacting ATCO when maintenance is required.

The Settlement accepted their responsibility by compensating the complainant adequately for the loss. The complainant was satisfied with the reimbursement, concluding MSO involvement.

Failure to Provide Power and Water

An allegation of *administrative unfairness* was filed with this Office as a Settlement had not responded to a request for power and water services to a trailer moved onto a parcel of land by the complainant.

Upon further review, the Administrator advised this Office that the Settlement had enlisted the services of *Alberta Permit Pro* to conduct an inspection of the complainant's trailer to assess if it was worth the estimated amount to bring both services to the property. The Administrator could not find evidence that a letter had been sent to the complainant advising of the steps taken by the Settlement and committed to correct that error by writing a letter *and* asking the complainant to confirm their intentions of residing on the property.

It is important to note that although a Settlement has a responsibility to respond to a member, the member should also exercise patience as these types of services are not only costly but require time to follow the steps required.

Due to the progress being made in this matter, the complainant felt there was no need to continue with the complaint, and the MSO file was closed.

Unfair Hiring of Returning Officer

Elections were held for a Board of Directors of a Settlement entity. An individual complained the position of Returning Officer for this election was not posted as is the accepted practice.

The MSO review determined there were only two Settlement members who had received the training required to be a Returning Officer. As one of those members was not available at the time of the election, the other person was hired for the position.

The Board of Directors acknowledged the position was not posted due to an alleged oversight and assured the position would be posted for future elections. The MSO file was closed.

Unfair Allocation of Repairs

Allegations were made that repairs were approved for a Settlement member's rental property even though the Settlement member did not reside at that property.

The issue of home repairs was addressed with both Council and Administration. This Office determined the Settlement member did submit an application for repairs. Council and Administration, upon realizing the applicant did not comply with Settlement Policy, correctly denied the repairs. The MSO closed the file.

Administrative Unfairness and Conflict of Interest – Housing Selections

The MSO identified that, during housing selections, several new housing applications were approved; over half were instances where individual Councillors declared a conflict of interest because the prospective candidate was an immediate family member. In each instance, a conflict of interest was declared and the Councillor in conflict left the room. After the Councillor left the room, the remaining Council members approved the application.

Whenever a Councillor's immediate family member receives a benefit from a program administered by Council, there is a perception of conflict of interest. It was determined there was no *direct* conflict of interest detected in the housing selections because the Councillors in conflict correctly identified to the other Councillors present there was a conflict and left the room without participating in the discussion or decision. However, as more than half of the housing approvals in the housing selections were for immediate family members of Council, there was a *perception* of conflict of interest.

Recommendations were made by the MSO that Council take steps to avoid situations in which there could be a *perceived conflict of interest.*

The *Métis Settlements Act, Section 49*, provides for delegation:

49 (1) A settlement council may appoint committees which may, but need not, include councillors.

(2) A settlement council may delegate to a committee any of the council's powers or duties, with or without conditions, except the power to make bylaws.

(3) The exercise of a power or performance of a duty by a committee to which it has been delegated has the same effect as the exercise of that power or performance of that duty by the settlement council.

The MSO recommended that Council appoint a Housing Committee composed of a broad representation of community members that would be delegated the responsibility of establishing decision-making criteria for annual housing selections. The Housing Committee could rank all eligible applicants in accordance with the criteria. The Committee would then either make the selection decisions themselves or present their final list of eligible candidates to Council, in order of priority, and answer any questions Council may have. Council could ratify the Committee's recommendations and, based on budget limitations, select the number of successful applicants in order of ranking from the list.

This process would assist all Councils in their decision-making mandate and eliminate the *perception* of conflict of interest.

Failure to Hook up Water and Sewer

Council approved an application for an individual to obtain a Settlement-owned trailer and placed it on property owned by a family member. The individual then appeared before Council and requested water and sewer systems be hooked up to the residence. When denied, the individual took the matter to the MSO.

In a meeting with the Administrator and the Public Works Director, MSO staff confirmed the trailer was moved to its present location with all parties involved understanding the water and sewer systems could not be hooked up due to Provincial Regulations. The trailer was too close to the main road and the adjoining property. It was suggested the complainant purchase land from the adjoining owner, after which the systems could be installed and would be compliant with Provincial requirements.

The MSO found the actions of Council and Administration in this matter to be fair and complied with the principles of administrative fairness. However, the logic behind the decision to allow individuals to occupy a residence with no running water or sewer system was questioned. A recommendation was made to avoid similar situations in the future. The MSO further recommended Council should consider all rules, regulations and bylaws pertinent to a property or installation of services prior to approving the placement of a residence on the Settlement. In the event all the criteria for erecting the residence cannot be met, an alternate site should be found. The property was resurveyed and found to comply with Provincial Regulations. The water and sewer service was installed, satisfying MSO involvement.

Renovations Denied

A Settlement member complained of administrative unfairness regarding housing renovations. The member alleged Council refused an application for a new roof. The

Settlement member could not communicate very well in English.

The matter went to review, and it was determined the member had never put a written application in for the renovations through the proper channels and had not met any of the Settlement's deadlines.

This issue was brought to the attention of the Settlement Administration and the Seniors Coordinator. Once everyone was aware of the issue, the proper paperwork was completed, and the Settlement member was approved for a new roof. There was no evidence of administrative unfairness; however, the issue was resolved with the assistance of the MSO Office.

REQUESTS FOR INFORMATION

Conflict of Interest

A Council was scheduled to have a housing selection meeting. Two of the Councillors had immediate family members on the housing request list. A Councillor called out of concern as one of the affected Councillors was not going to declare a conflict and leave when the voting was to take place. The question was whether or not there was a duty to raise this issue. The MSO Office advised the Councillor it was in the public interest to do so. The MSO Office later learned both Councillors declared a conflict and removed themselves from the housing selection meeting before decisions were made.

Conflict of Interest

An oil and gas company had completed exploration on the Settlement to determine potential sites for oil drilling. The Settlement had posted a bid for oil companies wishing to proceed with drilling activity. A Councillor who sat as a portfolio holder for the Settlement-owned oil and gas company (along with the other Board of Directors) was to determine a successful bidder. The dilemma was that it appeared one of the sites was located on land held by the Councillor. The concern was if it was a conflict of interest to participate in the selection process. The MSO Advisor indicated that it would be a conflict and advised the Councillor to declare a conflict at the next meeting and to ensure the recording secretary included the declaration in the formal minutes of the meeting.

Conflict of Interest

A Councillor called the MSO Office for advice. A group of landowners made a deal with a company (the competitor) to provide land services. Allegedly, this competitor would pay more than the current company. Council would be meeting to discuss the matter. Council had an agreement to receive a set percentage for services on allocated land but would like to get a share of the higher price being offered by the competitor. The landowner group felt that Council was not entitled to the additional revenue they did not negotiate for.

A member of the landowner group was related to the Councillor. As such, the MSO Advisor indicated this was a clear conflict of interest and advised the Councillor not to participate in the meeting. The Advisor indicated the relative could call the MSO Office for the explanation if necessary.

Ministerial Order

Excerpt from the Ministerial Order
appointing the
Métis Settlements Ombudsman

I, PEARL CALAHASEN, Minister of Aboriginal Affairs and Northern Development, pursuant to section 235 of the *Métis Settlements Act*, authorize Harley Johnson to exercise or perform the powers and duties conferred on me under the following sections of the *Métis Settlements Act*:

Section 171(1)(a),
Section 171(1)(c) except insofar as it applies to the General Council,
Sections 171(3) and (4),
Section 172(1),
Section 174,
Section 175(a), and
Section 175(c) except insofar as it applies to the General Council.

As provided in section 235(1) of the *Métis Settlements Act*, this authorization does not exclude my authority to exercise any power or duty under the above-mentioned sections of the *Métis Settlements Act*.

This Order comes into force April 1, 2003.

Appendix B

Budget Variance Report

Office of the Métis Settlements Ombudsman
as of March 31, 2006

	Budget Allocation	Expenditure	Balance
Staff	$ 309,000.00	$ 362,185.37	$ (53,185.37)
Accounting	$ 3,500.00	$ 2,940.20	$ 559.80
Capital Expenditures	$ -	$ 1,307.98	$ (1,307.98)
Communications	$ 11,100.00	$ 10,182.91	$ 917.09
Corporate Income Tax	$ 1,600.00	$ -	$ 1,600.00
Equipment Rentals/Lease	$ 2,200.00	$ 2,084.84	$ 115.16
External Contractors	$ 15,000.00	$ -	$ 15,000.00
Insurance	$ 3,200.00	$ 3,813.93	$ (613.93)
Interest/Bank Charges	$ 50.00	$ 59.50	$ (9.50)
IT Support	$ 14,209.00	$ 6,763.00	$ 7,446.00
Legal	$ 20,000.00	$ 7,826.72	$ 12,173.28
Maintenance/Repairs	$ -	$ 163.34	$ (163.34)
Non-Rebatable GST	$ 12,000.00	$ 6,402.06	$ 5,597.94
Rebatable GST Owed	$ -	$ 4,050.50	$ (4,050.50)
Office Supplies	$ 6,500.00	$ 6,810.99	$ (310.99)
Outreach	$ 2,400.00	$ 3,631.03	$ (1,231.03)
Postage/Courier	$ 215.00	$ 66.50	$ 148.50
Special Investigations	$ 75,000.00	$ 84,017.93	$ (9,017.93)
Telephones/Internet	$ 8,000.00	$ 8,895.92	$ (895.92)
Training & Development	$ 6,750.00	$ 5,411.72	$ 1,338.28
Travel	$ 21,800.00	$ 20,580.75	$ 1,219.25
Vehicle Lease	$ 10,016.00	$ 10,156.95	$ (140.95)
Vehicle Maintenance & Repair	$ 1,500.00	$ 3,891.79	$ (2,391.79)
Vehicle Parking/Building	$ 960.00	$ 960.00	$ -
TOTAL	**$ 525,000.00**	**$ 552,203.93**	**$ (27,203.93)**

Carry-over 2004/2005	$ 39,483.56
Year End Adjustment	$ 2,892.10
GST Refund Apr-Sept	$ 6,402.06
Refundable GST Oct-Mar	$ 4,050.50
Year End Accruals	$ (8,380.40)
Misc. Revenue/Interest	$ 35.04
Human Resources Development Canada Refund	$ 3,098.00
	$ 47,580.86
2005/2006 Balance Forward	**$ 20,376.93**

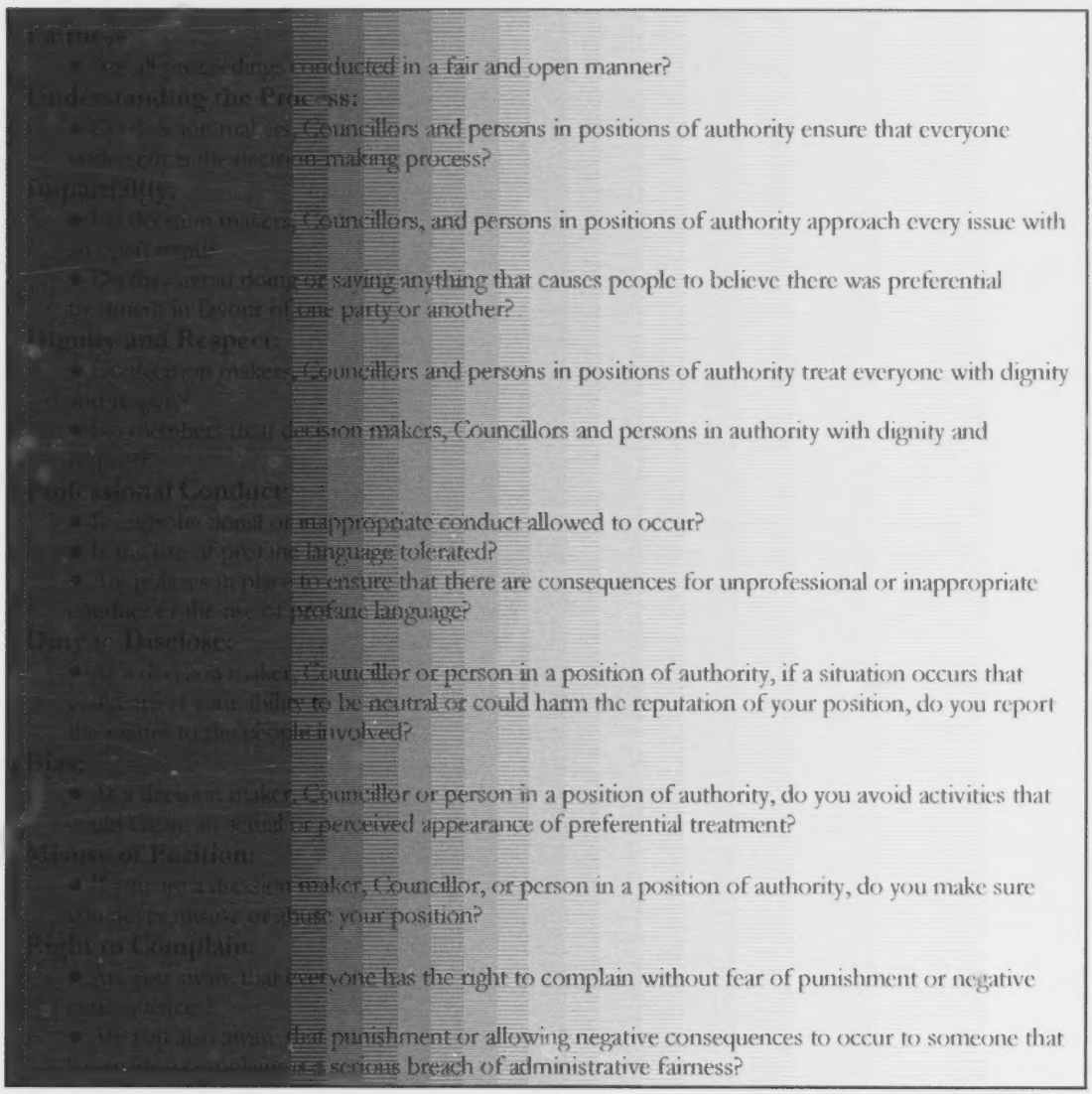
Appendix C

Administrative Fairness Checklist

Introduction

An important step along the road to self governance and self regulation of Alberta's eight Métis Settlements is the confidence that everyone is treated fairly and with respect, especially when dealing with Councillors, decision makers and persons in positions of authority.

This Administrative Fairness Checklist is prepared to guide Council, staff, members and other entities in their daily business dealings with each other. Answering the following questionnaire honestly will help decide whether business on a Settlement is being conducted as fairly as possible.



Fairness

- for all proceedings conducted in a fair and open manner?

Understanding the Process:

- decision makers, Councillors and persons in positions of authority ensure that everyone understands the decision-making process?

Impartiality:

- decision makers, Councillors, and persons in positions of authority approach every issue with an open mind?
- Do they avoid doing or saying anything that causes people to believe there was preferential treatment in favour of one party or another?

Dignity and Respect:

- decision makers, Councillors and persons in positions of authority treat everyone with dignity and respect?
- Do they expect that decision makers, Councillors and persons in authority with dignity and respect?

Professional Conduct:

- Is there a climate of inappropriate conduct allowed to occur?
- Is the use of profane language tolerated?
- Are policies in place to ensure that there are consequences for unprofessional or inappropriate conduct or the use of profane language?

Duty to Disclose:

- decision maker, Councillor or person in a position of authority, if a situation occurs that could affect your ability to be neutral or could harm the reputation of your position, do you report the matter to the people involved?

Bias:

- decision maker, Councillor or person in a position of authority, do you avoid activities that could create an actual or perceived appearance of preferential treatment?

Misuse of Position:

- decision maker, Councillor, or person in a position of authority, do you make sure you do not misuse or abuse your position?

Right to Complain:

- Are you aware that everyone has the right to complain without fear of punishment or negative consequences?
- Are you also aware that punishment or allowing negative consequences to occur to someone that complains is a serious breach of administrative fairness?

Information and Communication

Public Information:

- Is public information available in a format that is understandable and written in plain language?
- Is public information also available on audiocassette, Braille, Cree or other formats if necessary?

Clarification:

- Are adequate explanations provided for people asking for information about such things as the roles and responsibilities of Council, Council members, staff and workers?
- Are adequate explanations given to people asking for details about activities on the Settlement, services and supplements, eligibility criteria, other options, etc.?

Forms:

- Are all forms that require completion written in plain, clear language?
- Are all contracts that require completion easy-to-read and understand?

Freedom of Information:

- Are individuals promptly provided with forms and statements they have signed?

Letters and Correspondence:

- Are all forms and correspondence written in clear plain language and made available in formats suitable for people who have difficulty reading or who are blind?

Customer Service at Settlement Buildings and Offices

Telephone and Faxes:

- Are calls/telephones answered quickly?
- Are telephones ever go unanswered?
- Are callers able to leave a voice mail message?
- Are telephone messages and faxes replied to in a timely manner?
- Is there a publicized TTY number?

Access to Public Buildings:

- Is there enough parking available for the public?
- Is there adequate handicapped parking?
- Is there adequate public access?
- Are Settlement buildings, offices and washrooms wheelchair accessible?
- Are there play areas for children?
- Are Settlement offices and buildings child-friendly?

Facilities:

- Are places of work on the Settlement safe and healthy for staff?
- Are Settlement buildings and offices designed to respect and protect the privacy of Settlement members and staff?

Decisions and Procedures

Opportunity to be Heard and to Respond:

- Are persons given a chance to present information and evidence in support of their position?

Promptness:

- Are decisions made and actions taken within a reasonable time period?

Reasons for Decisions:

- Are reasons for decisions and actions communicated or provided to the affected parties in a meaningful way?

Appeal Review and Complaint Procedure:

- Are affected individuals informed about ways to appeal, request a review, or complain about decisions made or actions taken?
- Is this information provided in a polite, respectful way?
- Are people in the community aware of these rights through highly visible posters and brochures?

Complaint Procedures:

- Are complaint procedures well known, clearly defined and understandable?
- Are community suggestions for improving complaint procedures published or made available to Settlement members?
- Are complaints welcome and given careful consideration?

Organizational Issues at Settlement Offices and Work Sites

Careers and Roles:

- Do all job descriptions clearly and simply outline the work performed?
- Do job titles accurately describe the work done?

Re-organization:

- Can jobs be combined, refined or the work re-organized to achieve a higher quality or better delivery of service?

Coordination:

- Could service quality and fairness to Settlement members be improved through adjustments in policy and procedures?
- Could relationships with other partners, outside communities and government agencies be made better through adjustments to policy and procedures?
- Are procedures in place to encourage an internal audit or to check that work is being done in the way it was originally planned?
- Is there a climate in the work place that promotes growth, change and ongoing improvement?

Agency Review and Planning

Consultation with Settlement Members:

- Are affected members invited to take part in the planning of changes to the Settlement?
- Is this consultation done in a meaningful and timely way?
- Does everyone involved know how the final decision will be made at the beginning of his or her involvement?

Evaluation:

- Are systems in place that accurately record and organize statistical information so that changes in program and service policies can be evaluated and adjusted if necessary?

Distribution of Settlement Resources

Housing:

- Is the distribution of Settlement housing fair?
- Do all members have equal opportunity to receive Settlement housing?
- Are the qualification criteria to receive housing clearly understood and fair?

Jobs:

- Are members given an equal opportunity to compete for jobs?
- Are resources and work distributed fairly amongst Settlement members?

Appendix D

Conflict of Interest Checklist

Background

All members of a Métis Settlement Community are entitled to a governance structure that is conducted with fairness, integrity and impartiality of decision making. Public trust is damaged when the private interests of an elected official or an employee takes, or appears to take, priority over the public interest, thus leading to a conflict of interest or an apparent conflict of interest.

Purpose of the Checklist

This checklist will be used to guide conflict of interest investigations within the Métis Settlements of Alberta. It can inform the person making a complaint and the recipient of a complaint about the criteria to be used in an investigation. It can also serve as a training tool and as information for the Métis community. This checklist is a living document that will change from time to time as the need arises.

Application

This checklist applies to all elected Councillors and employees of Métis Settlement Councils and their entities (businesses owned in whole or in part by the Settlement).

Definitions

"Conflict of Interest"

- arises when a Council member or an employee is involved in a decision or action during the course of his/her public duties, knowing that there is, or may be, an opportunity to further his/her personal or financial interests or those of an immediate family member or close personal friend.

"Apparent Conflict of Interest"

- arises when a reasonable person would think that the individual's judgment is likely to be affected by a private interest.

"Potential Conflict of Interest"

- is something that may develop into an actual conflict of interest.

"Immediate Family"

- means spouse, father, mother, brother, sister and children.

"Individual(s), someone, anyone, and everyone"

- refers to Councillors and employees of Métis Settlement Councils and their entities.

"Private Interest"

- refers to an interest that is unique to the individual as opposed to an interest or matter that applies to all or a large group of members of the community. A private interest benefits the individual, an immediate family member or a close personal friend in a disproportionate or unfair manner. Private interest is not limited to financial matters. It is when private matters intersect with a Councillor's or an employee's public role that they create a conflict of interest or an apparent conflict of interest.

CONFLICT OF INTEREST POLICY:

a) Are there Council policies and guidelines regarding conflict of interest and, if so, are they followed?

b) Are these policies consistent with the *Métis Settlements Act* and any policies developed through the Métis Settlements Council or General Council?

c) Does Council ensure that all managers, employees and business-related entities are made aware of the conflict of interest policy and guidelines?

d) What actions are required of public office holders?

- In all cases, the community member who holds a public office is responsible to take immediate action if he/she suspects that an actual, apparent or potential conflict of interest is possible, whether financial or otherwise.
- Section 39 of the *Métis Settlements Act* requires a Council member to disclose any real or apparent financial conflict of interest to the Council. If the matter before Council is to be decided by a resolution, the Councillor must withdraw from further discussion, voting or involvement unless it is decided by Council that the conflict of interest is insignificant.
- A Council employee is required to immediately disclose a possible conflict of interest to his/her supervisor. The employee may be required to withdraw from any further involvement or action on the matter.

Examples of Conflict of Interest

While it is not possible to predict all conflict of interest situations, people can use the following headings and questions to help identify where most conflict of interest situations could occur.

a) Furthering Private Interests

- Does an immediate family member or a close personal friend stand to gain or lose financially from the individual's or the organization's decision or action in a matter?
- Does an immediate family member or a close personal friend stand to gain or lose in some way, other than financially, from the individual's or the organization's decision or action in a matter?
- Is anyone using his/her position to influence a decision, knowing it might benefit an immediate family member or a close personal friend?
- Is anyone using or communicating privileged or confidential information, knowing it might benefit an immediate family member or a close personal friend?
- Is anyone using his/her position to influence a decision or an action, knowing that it may benefit or appear to benefit an immediate family member or a close personal friend?

b) Nepotism

- Is someone in a managerial or regulatory position over an immediate family member or anyone with whom the relationship between them could bring that individual's fairness into question?
- Is anyone involved in interviews or hiring decisions where applicants are, or include, immediate family members or close personal friends?

c) Acceptance of Gifts, Gratuities or Other Benefits

- Is anyone accepting favours, gifts, services or hospitality from those who stand to gain or lose from that individual's or the organization's decision or action?

Note: This does not prevent acceptance of small gifts of little value or of a cultural nature, or from being honoured in a public manner or publicly being recognized for good work.

d) Outside Employment

- Is an immediate family member or a close personal friend gaining or appearing to gain an unfair advantage over other Settlement members in obtaining contracts or other outside employment, due to that individual's public role or access to privileged information?
- Is anyone conducting private business during working hours to the extent that it interferes with his/her public duty?
- Is anyone using public premises, equipment or supplies for private use without appropriate authorization?
- Is anyone using their public role to advance their own private interests in any way?

e) Public Statements

- Does everyone disclose confidential information only to those who are authorized to receive it? (These actions may also be governed by the *Freedom of Information and Protection of Privacy Act.*)
- Does everyone avoid making public remarks that are not positive and supportive of fellow workers, managers and their public role?

f) Business or Financial Interests

- Does everyone disclose to the proper authority any business or financial interests of theirs or an immediate family member that may be affected, or may appear to be affected, by a matter under consideration with which they become involved in the course of their public duties?

g) Volunteer Activities

- Do volunteer activities take up an undue amount of time during working hours?
- Does everyone avoid making any volunteer activities look like official or Council business? Is payment wrongfully accepted for any volunteer activities?

Note: Individuals are encouraged to participate in volunteer activities unless this causes an actual or apparent conflict of interest.

h) Political Activities

- Are individuals prepared to take a leave of absence from their Settlement position if campaigning for a federal or provincial office? If successful, are they prepared to resign from their Settlement position?
- Do individuals observe all conflict of interest guidelines in the course of their political activities?

i) General Questions to Consider

- What if the positions were reversed? What if the decision maker was applying for a job, a promotion or a contract and the applicant was in the position of the decision maker? Would the process seem fair?
- If the individual participates in this decision or action, would he/she be worried if fellow workers and the public became aware of his/her association or connection?
- Is the individual making the decision confident of his/her ability to act fairly and in the public interest?